

To: Montgomery, Michael[Montgomery.Michael@epa.gov]; Quast, Sylvia[Quast.Sylvia@epa.gov];
Moffatt, Brett[Moffatt.Brett@epa.gov]
Cc: Albright, David[Albright.David@epa.gov]; McWhirter, Lisa[McWhirter.Lisa@epa.gov]; Dermer,
Michele[Dermer.Michele@epa.gov]; Darman, Leslie[Darman.Leslie@epa.gov]
From: Engelman, Alexa
Sent: Fri 6/26/2015 4:14:40 PM
Subject: RE: Well Logs No Longer Confidential - Two Budget Trailer Bills Signed Yesterday

A little summary of the UIC related portions of SB83 for those who are interested...

This bill requires DOGGR to consult with the State Board/Regional Board on aquifer exemptions before proposing the exemptions to EPA. This consultation concerns "conformity" with EPA exemption regulations (40 CFR 146.4), a (state-imposed) requirement that injection of fluids will not affect the quality of water that is, or may reasonably be, used for any beneficial use, and that injectate will remain in the aquifer or portion of the aquifer being exempted (again, not *explicitly* required by EPA regs, it is in our Guidance 34). The proposed exemption will be subject to public comment (already required, but specifies a minimum of 30 days) and a joint public hearing (wasn't expressly required).

Under this bill, DOGGR can only propose the exemption to EPA if the Division and State Board are in agreement. The bill also requires additional reporting to legislative committees before an exemption is proposed to EPA and biannual reporting by the State Board and DOGGR (starting Jan 30, 2016) on the number of well permits and project approvals, information on how long it takes for permits to be issued, number and description of permit violations, enforcement actions, shut-in orders, in addition to information on UIC staffing and vacancies, rulemaking changes, and status of review of UIC projects and assessment of the program, including steps taken to address deficiencies.

Notable is also a reporting requirement to the Legislature to summarize milestones in the compliance schedule in EPA's March 9th letter. There is also a new requirement for the State Board to report on the status of regulation of produced water ponds (an issue also revealed this year in an investigative news report). A review panel will also be set-up on or before Jan. 2018 to evaluate DOGGR's performance and make recommendations on how to improve the UIC program. The bill specifies that the review panel will have diverse participants from fields including industry, public health and environmental/natural resources (including environmental justice), agriculture and scientific academic research.

~Alexa

From: Montgomery, Michael
Sent: Friday, June 26, 2015 7:58 AM

To: Quast, Sylvia; Moffatt, Brett; Engelman, Alexa
Cc: Albright, David
Subject: FW: Well Logs No Longer Confidential - Two Budget Trailer Bills Signed Yesterday

FYI

From: Macler, Bruce
Sent: Friday, June 26, 2015 7:55 AM
To: R9-WTR31; R9-WTR32; Montgomery, Michael
Subject: FW: Well Logs No Longer Confidential - Two Budget Trailer Bills Signed Yesterday

FYI

From Groundwater Resources Assn

Bruce

From: Timothy K. Parker [<mailto:tim@pg-tim.com>]
Sent: Thursday, June 25, 2015 8:40 AM
To: Timothy K Parker
Cc: Timothy K Parker
Subject: Well Logs No Longer Confidential - Two Budget Trailer Bills Signed Yesterday

Friends and Colleagues:

Yesterday, Governor Jerry Brown, with the swipe of his pen, made another subtle yet historic change to California's groundwater law and policy: Well logs are now publicly available.

See attached Budget Trailer Bill SB83 and changes to Water Code Section 13752. Also see attached 2011 Fact Sheet from Senator Pavley's office, drafted the last of several previous unsuccessful times that GRA provided support to the Legislature to attempt to make well logs publicly available.

But with the passage of the Sustainable Groundwater Management Act last year, things seem somehow different in California now – so believe in your vision and everything is possible!

It is not yet clear how and when the California Department of Water Resources will be ready to respond to requests from the public for well logs.

Besides eliminating well log confidentiality, SB83 contains many other provisions including:

- Requirement aquifer exemptions proposed under the Class 2 UIC program be reviewed by SWRCB and RWQCBs, and if approved by Water Boards, proposed aquifer exemptions to be submitted to US EPA
- Requires Department of Conservation to report to the legislature every six months on the UIC program

SB88 is another Budget Trailer Bill signed by the Governor yesterday that includes:

- Recycled water projects CEQA exemption
- Well ordinances CEQA exemption
- Drought water system consolidation

(see attachment)

Budget Trailer Bills SB83 & SB88 are important to groundwater resources management, and GRA recommends that groundwater and water professionals consider taking a look at both of them.

Best Regards,

Tim Parker

GRA Director and Legislative Committee Chairman